

TOWN OF ERIE
BOARD OF TRUSTEES REGULAR MEETING 1
Tuesday, January 13, 2015
6:30 p.m.
Board Room, Erie Town Hall, 645 Holbrook, Erie, CO 80516

I. CALL MEETING TO ORDER

Mayor Harris called the January 13, 2015 Regular Meeting of the Board of Trustees to order at 6:30 p.m.

II. PLEDGE OF ALLEGIANCE AND ROLL CALL

Roll Call:	Trustee Carroll	Present
	Trustee Schutt	Present
	Mayor Pro Tem Gruber	Present
	Trustee Moore	Present
	Trustee Charles	Present
	Trustee Woog	Present
	Mayor Harris	Present

III. APPROVAL OF THE AGENDA

Action: Trustee Schutt moved to approve the January 13, 2015 agenda with the amendment of moving items d. and f. from VII. Resolutions; to IV. Consent Agenda; the motion was seconded by Trustee Charles. The motion carried with all present voting in favor thereof.

Action: Mayor Harris made the announcement that Waste Connections has removed its application for a Liquid Waste Bulking Facility from both the Planning Commission and Board of Trustees upcoming agendas. For the present this will remain an active application and still considered Quasi-Judicial and the Planning Commission and Board of Trustee are unable to comment or discuss this. Updates on the status of the application will be provided.

IV. CONSENT AGENDA

- a. Approval of the December 9, 2014 Meeting Minutes
- b. Approval of the December 16, 2014 Special Meeting Minutes
- c. Resolution 15-01; A Resolution Designating Public Posting Notices For the Year
- d. Resolution 15-02; A Resolution for the Town of Erie's 3 Mile Plan. Purpose: Set 3 Mile Boundary For Land Uses and Governing Documents

CONSENT AGENDA (continued)

- e. Resolution 15-04; A Resolution Approving Rebate Program for High Efficiency Washing Machines Resolution
- f. Resolution 15-05; A Resolution Authorizing Payment to IMA of Colorado For Providing Liability And Property Insurance To The Town For 2015
- g. Resolution 15-06; A Resolution of the Town of Erie, Authorizing Payment to Pinnacol Insurance for Workers' Compensation Insurance for 2015.
- h. Resolution 15-07; A Resolution Authorizing Payment to Anthem Blue Cross and Blue Shield of Colorado for Providing Medical Insurance
- i. Resolution 15-08; A Resolution Authorizing Payments to Utility Vendors Providing Services to the Town of Erie For 2015
- j. Resolution 15-09; A Resolution Authorizing the Renewal of Public Works Service Contracts
- k. Resolution 15-13; A Resolution Awarding a Contract for a Raw Water Pump Station VFD Upgrade
- l. Resolution 15-15; A Resolution Awarding a Services Contract for Crack Sealant
- m. Resolution 15-14; A Resolution Approving a Community Organization Grant Request for Erie Community Library and Erie Historical Society
- n. Resolution 15-17; A Resolution Approving a Community Organization Grant Request for the American Cancer Society Relay for Life

Action: Trustee Moore moved to approve the January 13, 2015 Consent Agenda; the motion was seconded by Trustee Schutt. The motion carried with the following roll call vote:

Trustee Schutt	Yes
Trustee Woog	Yes
Trustee Moore	Yes
Trustee Carroll	Yes
Trustee Charles	Yes
Mayor Pro Tem Gruber	Yes
Mayor Harris	Yes

V. PUBLIC COMMENT

Linda Lucero, 1111 Eichorn Drive, Erie, CO. 80516, Debbie Harris and Linda Martinez thanked the Board of Trustees for their continued support of the American Cancer Society Relay for Life event.

Craig Mintzlaff, 1234 Catalpa Place, Erie, CO. spoke against the Redtail Ranch project.

Samir Tailor, Samir@stailor.net, Spoke against the connection of Vista Parkway and Bonanza Road.

Public Comment in favor of Ordinance 02-2015 Oil and Gas Moratorium

Christian van Wounderberg, 1821 Crestview Lane, Erie, CO.

Liz Fisher, 635 Moffat St. Erie, CO.

James Briars, 635 Moffat St., Erie, CO.

Jeff Pope, 1791 Crestview Lane, Erie, CO.

Kyle Roth, 2829 Prince Circle, Erie, CO.

Robert Nichols, 2076 FPW, Erie, CO.

Geoff Deakin, 1372 Catalpa Place, Erie, CO.

Scott Cardwell, 2124 Indian Paintbrush, Erie, CO.

Thomas Ventker, 2288 Primrose Lane, Erie, CO.

Ari Hulse, 2190 Alpine Drive, Erie, CO.

Stephen Guido, 2087 Primrose Lane, Erie, CO.

Renee Waller, 2019 Lodgepole, Erie, CO.

Brian Saum, 360 Pierce St., Erie, CO.

Kate D'Arcy, 2084 Primrose Lane, Erie, CO.

Mark Kadlecek, 2473 Vale Way, CO.

Jennifer Fick, 1778 Parkdale Circle, Erie, CO.

Maura Devine, 933 Shuttleworth Drive, Erie, CO.

Public Comment against Ordinance 02-2015 Oil and Gas Moratorium

Jerry Bouldin, 3733 Florentine Circle, Longmont, CO.

Reed Boeger, 1114 Lasnik St. Erie, CO.

Stan Dempsey, 1700 Lincoln St., CO.

Melinda Hammers, 1902 Amethyst Drive, Longmont, CO.

Cameron Grant, 2227 Bluebird Drive, Longmont, CO.

Chris McGowne, Colorado Oil & Gas Association

John Cooke, 2883 Eagle Circle, Erie, CO.

Jason Mannon, 1035 Cessna Court, Erie, CO.

VI. RESOLUTIONS

a. Resolution 15-11; A Resolution Awarding a Construction Contract for Property Abatement for 4060 NE County Line Road

Gary Behlen, Director of Public Works, presented staff recommendations for the approval of Resolution 15-11. As directed by the Erie Board of Trustees, Staff requested bids for abatement of the property located at 4060 NE County Line Road. Alternate 1 of the Bid includes mobilization, traffic control, demolition/removal of wood fence, capping of existing utilities, removal of vegetation, leveling of site, State and Local permits, and a Stormwater Management Plan as the site is over an acre.

Alternate 2 includes asbestos testing, demolition of the pole barn (16,000 SF) (main structure), demolition/removal of the metal building on the NE corner, removal of concrete panels,

RESOLUTIONS (continued)

demolition/removal of concrete fence, demolition/removal of concrete tanks/slabs, demolition/removal of concrete basins, and importing of fill material. If asbestos is present, a change order will be processed to remove it. An Invitation to Bid was issued and posted on the Town's website on December 22, 2014. The following bids were received on January 5, 2015. The low bidder is Earth Services & Abatement, located in Commerce City. No bids were received from local vendors. Staff has reviewed the bids and found them to be acceptable. Staff is recommending awarding the construction contract Earth Services & Abatement in the amount of \$183,791.25.

Action: Trustee Schutt moved to continue Resolution 15-11 to the January 27, 2015 regular meeting of the Town of Erie Board of Trustees. The motion was seconded by Mayor Pro Tem Gruber. The motion carried with a (6) for and (1) against vote; with Trustee Carroll voting no.

b. Resolution 15-10; A Resolution Approving the 2015 Fleet Purchase

Gary Behlen, Director of Public Works, presented staff recommendations for the approval of Resolution 15-10. The 2015 General Fund Operating Budget includes purchasing of three replacement units for Patrol. The following is a summary of those units being purchased:

- Patrol 2015 Ford Interceptor \$50,000 \$30,047 \$23,484.28 \$53,531.28
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- Patrol 2015 Ford Interceptor \$50,000 \$30,047 \$23,484.28 \$53,531.28
- Total \$150,000 \$90,141 \$70,452.84 \$160,593.84
- 3 X 2015 Ford Interceptor Utility AWD = \$90,141.00 (Each vehicle is \$30,047.00. ***Note: the Interceptor Sedan are more expensive than the Utility Vehicles.)
- 3 X Emergency Equipment = \$53,071.20 (Each emergency equipment and installation is \$17,690.40.)
- 3 X Dual Band Radios = \$15,326.64 (Each radio and installation costs \$5,108.88.)
- 3 X Graphics = \$1,650.00 (Graphics for each vehicle costs \$550.00.)
- 1 X Trailer Hitch = \$405.00. (This will be used to tow the radar trailer.)
- TOTAL = \$160,593.84. (We were allotted \$150,000.00.)

Action: Mayor Pro Tem Gruber moved to approve Resolution 15-10 the motion was seconded by Trustee Schutt. The motion carried with the following roll call vote:

Mayor Pro Tem Gruber	Yes
Trustee Charles	Yes
Trustee Carroll	Yes
Trustee Schutt	Yes
Trustee Moore	Yes
Trustee Woog	Yes
Mayor Harris	Yes

RESOLUTIONS (continued)

c. Resolution 15-12; A Resolution of the Town of Erie Authorizing the Town of Erie to Approve the Erie Farmers Market Community Organization Grant Request

Fred Diehl, Assistant to the Town Administrator presented staff recommendations for the approval of Resolution 15-12. On April 14th of this year, Kelly Williams, owner and operator of the Louisville and Lafayette Farmers Market contacted Mayor Harris and informed her that she gets customers in both markets that are Erie residents and inquire about a farmers market in their community. On April 22, 2014 Town staff met with Kelly to discuss opportunities for 2015. Town staff subsequently worked with Kelly on developing a Topic for EngageErie to survey our residents about their experience with past farmer's markets in Erie and what they would like to see should another farmer's market opportunity arise. On June 16th staff sent Kelly the EngageErie report. In general, the report supports Kelly's vision of a farmers market - that is to say; "Without true variety of local food a farmer's market will not survive. The ancillary craft booths are ok and some enjoy them but this is not the main purpose of a farmer's market nor should it dominate the farmer's market." On August 25th, staff met with Kelly. Based on her review of the report and after speaking with her vendors, Kelly has decided she would like to proceed with a Farmer's Market in Erie on Thursday nights. On November 18, 2014, the Board approved the 2015 Budget which includes \$5,000 for Erie Farmers Market-marketing/advertising.

Action: Mayor Pro Tem Gruber moved to approve Resolution 15-12; the motion was seconded by Trustee Moore. The motion carried with the following roll call vote:

Trustee Schutt	Yes
Trustee Woog	Yes
Trustee Moore	Yes
Trustee Carroll	Yes
Trustee Charles	Yes
Mayor Pro Tem Gruber	Yes
Mayor Harris	Yes

d. Resolution 15-16; A Resolution of the Town of Erie Finding of Substantial Compliance Nelson and Kuhl Properties for Annexation

Marty Ostholthoff, Director of Community Development presented staff recommendations for the approval of Resolution 15-16. Acceptance of the Annexation Petition for the Nelson-Kuhl property and the setting of a public hearing for said annexation. Resolution 15-16 does two things; 1.Establishes that the Board of Trustees finds the Annexation Petition to be in substantial compliance with the laws of the State of Colorado. 2,Sets a Public Hearing date and time of February 24, 2015, at 6:30 p.m., in the Erie Town Hall, 645 Holbrook, Erie, CO 80516. The Nelson-Kuhl annexation petition requests annexation to the Town of Erie of approximately 29.6 acres. The site is located at the southeast corner of State Highway 287 and Arapahoe Road and is generally described as a part of the North ½ of Section 34, Township 1 North, and Range 69 West of the 6th Principle Meridian. Staff finds the application to be in compliance with Chapter 7.3, Annexations, of Erie Municipal Code, Title 10 and with C.R.S. 31-12-108. Public notice is not required for the Board of Trustees to find the Annexation Petition to be in substantial compliance with the Municipal Code and laws of the State of Colorado. Staff recommends approval of

Resolution 15-16 a resolution setting a public hearing for Annexation on February 24, 2015, at 6:30 p.m. as required by C.R.S. 31-12-108.

RESOLUTIONS (continued)

Action: Mayor Pro Tem Gruber moved to approve Resolution 15-16; the motion was seconded by Trustee Schutt. The motion carried with all present voting in favor thereof.

Action: Mayor Harris called for a break at 8:25 p.m. and reconvened the meeting at 8:40 p.m.

VII. ORDINANCES

PUBLIC HEARING

- a. **Ordinance 01-2015; An Ordinance of the Town of Erie, Colorado, Adopting By Reference Town of Erie Water Conservation Plan" And Setting Forth Details In Relation Thereto.**

Gary Behlen, Director of Public Works and Paul Zilas, Town Water Attorney presented staff recommendations for the approval of Ordinance 01-2015. The Town of Erie is required to maintain a State approved Water Conservation Plan pursuant to C.R.S. § 37-60-126. The Town had a previous Water Conservation Plan approved in 2008 ("2008 Plan"). The Town was required to submit a new Water Conservation Plan in 2014 which has been conditionally approved by the State, pending public comment and adoption by the Board of Trustees ("Water Conservation Plan"). Public notice of the Water Conservation Plan was published in the newspaper and on the Town's website. No public comments have been received during the public comment period. The public hearing for adoption of the Water Conservation Plan is scheduled for January 27, 2015. As summarized in the Water Conservation Plan and the conditional approval from the State, the Town has done an excellent job with water conservation since the adoption of its 2008 Plan. Following is a brief review of the Town's achievements under the 2008 Plan and the goals in the Water Conservation Plan. The Town met all but one of its goals set forth in the 2008 Plan. The Town's goal in the 2008 Plan was to reduce first use water to 190 gallons per capita per day ("GPCD"). The Town exceeded that goal significantly by reaching 150 GPCD. The Town continues to monitor and reduce water use. The only goal in the 2008 Plan which was not achieved was providing 690 acre feet of reuse water by 2014. The sole reason for not meeting that goal was reduced demand from new development when development significantly declined statewide from 2008 to 2013. However, the Town has constructed a 1,000 acre foot reuse reservoir, so it is poised to make more reuse water available for new development as demand increases. The Town also constructed a reuse line between the North Water Reclamation Facility and the South Water Reclamation Facility, and will be extending this line and performing pump station upgrades in order to serve the Colliers Hill Subdivision in 2015. The Town's water conservation activities have resulted in substantial water savings, which are quantified in the Water Conservation Plan. The stated goals of the Water Conservation Plan are to further reduce the first use of water to 146 GPCD and residential indoor per capita use to 42 GPCD by 2020. These goals substantially exceed the stated goals of 13 Northern Front Range water providers stated in the South Platte Roundtable Conservation Strategy ("Roundtable Strategy") based on the 2010 Statewide Water Supply Initiative. The Roundtable Strategy proposes to reduce per capita water use to 146 GPCD and indoor per capita use to 40 GPCD, but not until 2050. The goals in the Roundtable Strategy are ambitious and responsible. The Town of Erie is in a position to pursue these goals in a more immediate time frame because the Town has and will continue to implement water conservation strategies for all new developments, which now comprises a large portion of the Town. The other stated goals of the Town's Water Conservation Plan are to (1) reduce non-revenue water use (system losses, water line flushing, etc.); (2) continue to

expand the Town's reuse system to utilize the Town's reusable Windy Gap return flows; (3) implement conservation activities that are compatible with the community and are sustainable from an economic,

ORDINANCES (continued)

social and environmental perspective; and (4) maintain a fair and equitable water rate structure that provides efficient use while maintaining sufficient revenue. In summary, the Town will continue to save a significant amount of water through water conservation efforts. The Town has produced an average of approximately 2,991 acre feet per year for 2011 through 2013. During those three years, total water savings were approximately 634 acre feet per year based on previous per capita usage, of which 232.4 acre feet were quantifiable savings attributed to specific water conservation activities by the Town. It is staff's recommendation to approve Ordinance No. 01-2015 Adopting by Reference The Town of Erie Water Conservation Plan.

Action: Mayor Harris opened the public hearing for Ordinance 01-2015 at 8:40 p.m. following staff presentation hearing no one wishing to make public comment, Mayor Harris closed the public hearing at 8:55 p.m. This was the first reading of Ordinance 01-2015 and it will be returned for Board action at the January 27, 2015 regular meeting.

PUBLIC HEARING

- b. Ordinance 03-2015; An Ordinance of the Town of Erie, Colorado, Repealing the 2014 Edition of the Standards and Specifications for the Design and Construction of Public Improvements; Adopting by Reference the 2015 Edition of Standards and Specifications for Design and Construction of Public Improvements; and Setting Forth Details in Relation Thereto**

Russell Pennington, Deputy Director of Public Works presented staff recommendations for the approval of Ordinance 03-2015. The 2014 Edition of Standards and Specifications for Design and Construction of Public Improvements (Standards and Specifications) was adopted by the Board of Trustees in January 2014. In order to insure the Standards and Specifications are kept current, periodic updates are necessary. Since the last update, there have been changes in some industry standards and materials and construction practices that require updating this document. We have updated and reviewed these changes for the 2015 Edition of the Standards and Specifications and also made some clarifications. A summary of these changes is attached. These Standards and Specifications are consistent with the most recent Unified Development Code. Per statute requirement, prior to consideration of Ordinance 03-2015, a Public Hearing should be held. Copies of Ordinance 03-2015 along with the amended language are available in the Town Clerk's Office for review.

Action: Mayor Harris opened the public hearing for Ordinance 03-2015 at 8:55 p.m. following staff presentation hearing no one wishing to make public comment, Mayor Harris closed the public hearing at 8:57 p.m. This was the first reading of Ordinance 01-2015 and it will be returned for Board action at the January 27, 2015 regular meeting.

- c. Ordinance 02-2015; An Ordinance Of The Town Of Erie, Colorado Imposing A Temporary Moratorium On The Acceptance, Processing, And Approval Of Any Land Use Applications, Including Special Review Use Applications And Site Plan Applications, Related To Mining And Mineral Extraction, Including Oil And Gas**

Exploration, Extraction, And Related Operations; Directing The Town To Review, And If Appropriate, Adopt Any New Laws And Regulations Resulting From The

ORDINANCES (continued)

Recommendations And Findings Of The Governor's Task Force On State And Local Regulation Of Oil And Gas Operations; Directing The Investigation Of The Regulatory Practices Of Other Municipal Governments As They Relate To Regulation Of Mining And Mineral Extraction, Including Oil And Gas Exploration, Extraction, And Related Operations; Directing The Prompt Investigation Of The Town's Unified Development Code As It Relates To Regulation Of Mining And Mineral Extraction, Including Oil And Gas Exploration, Extraction, And Related Operations; Declaring The Intention Of The Town Board Of Trustees To Consider Appropriate Revision Of The Unified Development Code As It Relates To Regulation Of Mining And Mineral Extraction, Including Oil And Gas Exploration, Extraction, And Related Operations; And, Declaring An Emergency Therefore.

Ordinance 02-2015 is a legislative generated ordinance.

Action: Mayor Pro Tem Gruber moved to continue Ordinance 02-2015 till the January 27, 2015 Regular Meeting of the Town of Erie Board of Trustees. The motion was seconded by Trustee Moore; the motion carried with the following roll call vote:

Trustee Schutt	Yes
Trustee Woog	Yes
Trustee Moore	Yes
Trustee Carroll	No
Trustee Charles	No
Mayor Pro Tem Gruber	Yes
Mayor Harris	No

Action: Mayor Harris called for a break at 10:20 p.m. and reconvened the meeting at 10:50 p.m.

Action: The Board directed Staff to schedule a meeting to continue negotiations on a Memorandum of Understanding with Stakeholders for Tuesday January 20, 2015. Both Encana and Anadarko indicated that would not file any new permits for wells prior to the next regular meeting of the Board of Trustees.

VIII. GENERAL BUSINESS

a. Red Tail Ranch Sketch Plan

The proposed development proposes three access points from Weld County Road 5 with the southernmost access point aligned with WCR 4. The applicant also proposes one access point from Vista Parkway at the existing roundabout which would connect to WCR 4 via a Collector Road. There would also be a curb cut from Vista Parkway to access 12 proposed lots south of the roundabout. There is an existing drainage way and wetlands area at the southwest corner of the site that the applicant is

preserving and will utilize for storm drainage from the site. There are also wet areas and a spring with wetland species plants in the northeast portion of the site that the applicant is preserving. A spine trail,

GENERAL BUSINESS

to be owned and maintained by the Town, is proposed along the length of the northwest property line. Area: 108.9 Acres (Single Family Residential - Detached); 8.3 Acres (Single Family Residential - Attached); 31.1 Acres (Public Open Space); 85.0 Acres (Private Open Space/Landscape Buffers); 3.9 Acres (6 Pocket Parks); 52.7 Acres (Right-of-Way); Dwelling Units Proposed: 640 single-family dwelling units (6,050 sf to 40,000 sf); Gross Density: 2.21 units/acre. The application is not in general compliance with the RR – Rural Residential land use designation identified on the Comprehensive Plan, Land Use Plan Map. Rural Residential allows for the residential uses that this application proposes, but the Rural Residential land use category of the Comprehensive Plan anticipates a density between 0 and 2 dwelling units per acre. The proposed 640 dwelling units on 289.9 acres results in a gross density of 2.21 units/acre and would necessitate a Comprehensive Plan amendment. The application is not in general compliance with the RR – Rural Residential land use designation identified on the Comprehensive Plan, Land Use Plan Map. Rural Residential allows for the residential uses that this application proposes, but the Rural Residential land use category of the Comprehensive Plan anticipates a density between 0 and 2 dwelling units per acre. The proposed 640 dwelling units on 289.9 acres results in a gross density of 2.21 units/acre and would necessitate a Comprehensive Plan amendment. Town staff has reviewed the proposed Sketch Plan for compliance with the UDC and has provided the applicant with comments. The applicant has modified the plan accordingly. *Housing Diversity*: The UDC (10.6.7.D) requires a certain mix of housing types based on the size of the proposed development. The size of Redtail Ranch (289.9 acres) requires either 4 housing types or 3 housing types and 1 housing type variation. Because of the subdivision's location, the applicant is proposing, as an alternative, a subdivision with 2 housing types and 3 housing type variations. The 2 housing types are single-family detached units and single-family attached units. The 3 housing type variations proposed are a variety of single-family detached lot sizes per the UDC: 5,000-9,999 sf lots; 10,000-39,999 sf lots, and lots over 40,000 sf. The Town of Erie Natural Areas Inventory identifies two natural areas within the proposed project area. The applicant is showing the lower portion of the southern natural area, which includes wetlands, in open space to be dedicated to the Town. The applicant is showing the northern portion of the northern natural area in private open space. The Open Space and Trails Advisory Board was provided the applicant with comments.

Action: Due to the late hour, Mayor Harris asked staff and applicant to prepare an amendment to the Development Agreement to delete the requirement for a connection from Bonanza Drive to Vista Parkway. The Applicant will return and make a formal presentation at the January 27, 2015 regular meeting.

b. Sierra Vista Sketch Plan

Action: Due to the late hour this item was removed from the agenda.

IX. BOARD OF TRUSTEES REPORTS

Trustee Woog asked about tree planting around the landfill. The Town Administrator stated that we might be able to plant in right of way, but that there are specific limitations to planting in the landfill.

Trustee Charles announced a vacancy on the Historic Preservation Board and asked for the

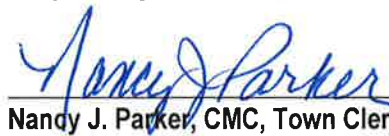
appointment of applicant Kelley Ganison to replace Ed Wilson who resigned. General consensus was to approve this appointment.

X. ADJOURNMENT

Action: Trustee Moore moved to adjourn the January 13, 2015 Regular Meeting of the Town of Erie Board of Trustees; the motion was seconded by Mayor Pro Tem Gruber. The motion carried with all present voting in favor thereof.

Action: Mayor Harris adjourned the January 13, 2015 Regular Meeting of the Town of Erie Board of Trustees at 10:55 p.m.

Respectfully Submitted,


Nancy J. Parker, CMC, Town Clerk




Tina Harris-Mayor